



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Botstein, et al.

Docket No.: 39780-2730P1C15

Serial No.: 09/991,073

Group Art Unit: 1647

Filing Date: November 14, 2001

Examiner: Spector, Lorraine

For: **PRO809 POLYPEPTIDES**

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PRELIMINARY AMENDMENT

MS: RCE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

On February 23, 2005, the Examiner made a final rejection to pending Claims 122-126 and 129-131. A Notice of Appeal was filed on July 22, 2005, and Applicants' Appeal Brief was filed December 22, 2005. An Examiner's Answer was filed April 10, 2006.

Applicants submit herewith is a Preliminary Amendment, which accompanies a Request for Continued Examination under 37 C.F.R. §1.114 for the above identified application. This Amendment is being timely filed requesting no extension of time. Applicants' arguments presented in the previously filed Appeal Brief are incorporated herewith in their entirety.

This Preliminary Amendment is concurrently filed with an Information Disclosure Statement with additional references in support of the Applicants' arguments and with the submission of a new Declaration under 37 C.F.R. §1.132 by Dr. Paul Polakis with Exhibits A and B. Entry of these documents and consideration of the following arguments is respectfully requested.

Amendment to Claims are reflected in the listing of claims that begins on page 2 of this paper.

Remarks/Arguments begin on page 4 of this paper.